

REMARKS

Claims 1-20 are pending in the present application. By this amendment, claims 1 and 12 are amended. Applicants respectfully request reconsideration of the present claims in view of the above amendments and following remarks.

I. Claim Rejections Under 35 U.S.C. §103

Claims 1-20 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over United States Patent No. 6,538,623 to Parnian et al. (hereinafter “Parnian”) in view of United States Patent Application Publication No. 2003/0154009 to Basir et al. (hereinafter “Basir”). This rejection is respectfully traversed.

A. Claims 1-11 are allowable.

As amended, claim 1 recites that a video recorder comprises a loop buffer also storing the video data of the event captured by the camera, the loop buffer storing the video data for a predetermined duration of time, after which the video data is transferred or discarded; a set of rules stored in the memory, the set of rules determining when to transfer the contents of the loop buffer into the memory; when the processor determines that the event satisfies a rule of the set of rules, then the processor transfers the contents of the loop buffer to the memory to provide time-delayed video data, the time-delayed video data preceding the event that satisfies a rule of the set of rules that causes transfer of the contents of the loop buffer to the memory; and the processor tags the time-delayed video data with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory.

Parnian does not teach, suggest, or describe a video recorder including the features recited by claim 1. On the contrary, Parnian describes a wearable and mobile multi-media data collection tool kit including a video camera connected to an electronic case file of the kit. Parnian describes that the video from the video camera can be stored in video memory associated with the electronic case file or can be downloaded to a removable magnetic disc drive. This is not analogous to the video recorder recited by claim 1 because Parnian fails to teach, suggest, or describe that the video recorder or the case includes a loop buffer for storing video data for a

predetermined duration of time, after which the video data is transferred or discarded. Instead, Parnian describes that the video may be stored in video memory or downloaded to a removable magnetic disc drive, without teaching, suggesting, or describing that either the video memory or the removable magnetic disc drive is a loop buffer as recited by claim 1.

Further, Parnian fails to teach, suggest, or describe a set of rules for determining when to transfer the contents of the loop buffer into memory such that when a processor determines that an event satisfies the set of rules, then the processor transfers the contents of the loop buffer to the memory to provide time-delayed video data, the time-delayed video data preceding the event that satisfies a rule of the set of rules that causes transfer of the contents of the loop buffer to the memory. Instead, as discussed above, Parnian describes that the video from the video camera can be stored in video memory associated with the electronic case file or can be downloaded to a removable magnetic disc drive, without teaching, suggesting, or describing that the video is transferred when a determination is made that an event satisfies a rule of a set of rules or that the transferred video provides time-delayed video data that precedes the event that satisfies a rule of the set of rules.

Moreover, Parnian fails to teach, suggest, or describe a processor that tags the time-delayed video data with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory. As discussed above, Parnian fails to teach, suggest, or describe a set of rules for determining when to transfer the contents of a loop buffer into memory and also fails to teach, suggest, or describe time-delayed video data that precedes an event that satisfies a rule of a set of rules. It follows then that Parnian also fails to teach, suggest, or describe that the time-delayed video data is tagged with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory.

The Office Action notes that Parnian does not specifically disclose a loop buffer, set of rules, or processor as recited by claim 1 and relies on the teaching of Basir to cure, allegedly, the above-identified deficiencies of Parnian. However, like Parnian, Basir does not teach, suggest, or describe a video recorder including the features recited by claim 1. In contrast, Basir describes a system for monitoring and analyzing real time visual and non-visual information operative to receive an eccentric event signal; when the eccentric event is received, continue to record for a fixed period of time; and once this time has elapsed, copy the data from a volatile memory, such as a circular buffer, to a non-volatile memory. This is not analogous to the video

recorder recited by claim 1 because Basir fails to teach, suggest, or describe that when the eccentric event signal is received, the contents of the volatile memory are transferred to the non-volatile memory to provide time-delayed video data, the time-delayed video data preceding an event that causes transfer of the contents of the volatile memory to the non-volatile memory. Instead, Basir describes that when the eccentric event signal is received, recording is continued for a fixed period of time, and then once that fixed period of time has elapsed, the data from the volatile memory is copied to the non-volatile memory.

The Office Action points to paragraphs [0040-0041] of Basir for support of its alleged assertion that Basir teaches that when a processor determines that an event satisfies a rule of a set of rules, then the processor transfers the contents of the loop buffer to the memory to provide video data that precedes the event. However, Applicants respectfully disagree with the Office Action's assertion that these paragraphs teach the recitations of claim 1. Paragraphs [0040-0041] of Basir are reproduced below:

[0040] This data is stored directly in non-volatile storage (9) and is updated immediately after one of the events or statistics changes.

[0041] The occupant of the vehicle may choose to store events permanently for later retrieval at any time by using the user-trigger (7). This trigger simulates the occurrence of

an eccentric event, and therefore causes the control units (2) of the data capture and video capture modules to continue recording for a fixed period of time, and then transfer the contents of the volatile (8) memory to the non-volatile memory (9).

Paragraph [0040] of Basir is better understood in light of the preceding paragraphs [0037]-[0039] of Basir which describe that significant events and statistics pertaining to a vehicle, such as the number of times the speed of the vehicle went over 130km/h, can be stored directly in non-volatile storage and updated immediately after one of the events or statistics changes. This is not analogous to the video recorder recited by claim 1 because Basir describes that changes in events or statistics associated with a vehicle are stored in non-volatile memory, without teaching, suggesting, or describing transferring contents of a loop buffer to memory when an event satisfies a rule where the contents provide time-delayed video data preceding the

event that satisfies a rule of the set of rules that causes transfer of the contents of the loop buffer to the memory.

Paragraph [0041] of Basir describes continuing to record for a fixed period of time when an eccentric event, or a trigger simulating the occurrence of an eccentric event, is received, and once this time has elapsed, copying the data from a volatile memory, such as a circular buffer, to a non-volatile memory. Again, this is not analogous to the recitations of claim 1 because Basir fails to teach, suggest, or describe transferring the contents of the volatile memory to the non-volatile memory when the eccentric event signal is received.

Moreover, Basir fails to teach, suggest, or describe that time-delayed video data is tagged with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory. Instead, Basir describes stamping the video data so that when the data is retrieved, the video data can be synchronized with playback of non-visual vehicle and occupant data. This is not analogous to the video recorder recited by claim 1 because Basir fails to teach, suggest, or describe that the video data is tagged with metadata describing the rule that caused the video data to be copied from the volatile memory to the non-volatile memory. Basir only describes that the video data is stamped so that synchronized playback with non-visual vehicle and occupant data is possible.

For at least the reasons given above, claim 1 is allowable over the combined teaching of Parnian and Basir. Since claims 2-11 depend from claim 1 and recite further claim features, Applicants respectfully submit that claims 2-11 are also allowable over the combined teaching of Parnian and Basir. Accordingly, withdrawal of these rejections is respectfully requested.

B. Claims 12-20 are allowable.

As amended, claim 12 recites that a method comprises storing the video data of the event in a loop buffer, the loop buffer storing the video data for a predetermined duration of time, after which the video data is transferred or discarded; applying a set of rules indicating when to transfer the contents of the loop buffer to the memory; when the event satisfies a rule of the set of rules, then transferring the contents of the loop buffer to the memory to provide video data that precedes the event that satisfies a rule of the set of rules that causes transfer of the contents of the loop buffer to the memory; and tagging the preceding video data with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory.

Parnian does not teach, suggest, or describe a method including the features recited by claim 12. On the contrary, Parnian describes a method for creating an electronic investigation record including storing video from a video camera in video memory associated with an electronic case file or downloading the video to a removable magnetic disc drive. This is not analogous to the method recited by claim 12 because Parnian fails to teach, suggest, or describe storing video data of an event in a loop buffer, the loop buffer storing the video data for a predetermined duration of time, after which the video data is transferred or discarded. Instead, Parnian describes that the video may be stored in video memory or downloaded to a removable magnetic disc drive, without teaching, suggesting, or describing that either the video memory or the removable magnetic disc drive is a loop buffer as recited by claim 12.

Further, Parnian fails to teach, suggest, or describe applying a set of rules indicating when to transfer the contents of a loop buffer to memory such that when an event satisfies a rule of the set of rules, then transferring the contents of the loop buffer to the memory to provide video data that precedes the event that satisfies a rule of the set of rules that causes transfer of the contents of the loop buffer to the memory. Instead, as discussed above, Parnian describes that the video from the video camera can be stored in video memory associated with the electronic case file or can be downloaded to a removable magnetic disc drive, without teaching, suggesting, or describing that the video is transferred when a determination is made that an event satisfies a rule of a set of rules or that the transferred video precedes the event that satisfies a rule of the set of rules.

Moreover, Parnian fails to teach, suggest, or describe tagging preceding video data with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory. As discussed above, Parnian fails to teach, suggest, or describe a set of rules for determining when to transfer the contents of a loop buffer into memory and also fails to teach, suggest, or describe video data that precedes an event that satisfies a rule of a set of rules. It follows then that Parnian also fails to teach, suggest, or describe tagging preceding video data with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory.

The Office Action notes that Parnian does not specifically disclose a loop buffer, set of rules, or processor as recited by claim 12 and relies on the teaching of Basir to cure, allegedly, the above-identified deficiencies of Parnian. However, like Parnian, Basir does not teach,

suggest, or describe a method including the features recited by claim 12. In contrast, Basir describes a method for monitoring and analyzing real time visual and non-visual information including receiving an eccentric event signal; when the eccentric event is received, continuing to record for a fixed period of time; and once this time has elapsed, copying the data from a volatile memory, such as a circular buffer, to a non-volatile memory. This is not analogous to the method recited by claim 12 because Basir fails to teach, suggest, or describe that when the eccentric event signal is received, transferring the contents of the volatile memory to the non-volatile memory to provide video data that precedes an event that satisfies a rule of a set of rules that causes transfer of the contents of the volatile memory to the non-volatile memory. Instead, Basir describes that when the eccentric event signal is received, recording is continued for a fixed period of time, and then once that fixed period of time has elapsed, the data from the volatile memory is copied to the non-volatile memory.

Moreover, Basir fails to teach, suggest, or describe tagging the preceding video data with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory. Instead, Basir describes stamping the video data so that when the data is retrieved, the video data can be synchronized with playback of non-visual vehicle and occupant data. This is not analogous to the method recited by claim 12 because Basir fails to teach, suggest, or describe tagging the video data with metadata describing the rule that caused the video data to be copied from the volatile memory to the non-volatile memory. Basir only describes that the video data is stamped so that synchronized playback with non-visual vehicle and occupant data is possible.

For at least the reasons given above, claim 12 is allowable over the combined teaching of Parnian and Basir. Since claims 13-20 depend from claim 12 and recite further claim features, Applicants respectfully submit that claims 13-20 are also allowable over the combined teaching of Parnian and Basir. Accordingly, withdrawal of these rejections is respectfully requested.

II. Double Patenting

Claims 1-3, 5-6, 8, 11-17, and 20 are provisionally rejected on the ground of nonstatutory double patenting over claims 1 and 3-7 of copending Application No. 10/674,995 (hereinafter “‘995 application”) in view of Basir.

As discussed in MPEP §804(I)(B), a provisional double patenting rejection may be issued if “the examiner becomes aware of two co-pending applications that were filed by the same

inventive entity, or by different inventive entities having a common inventor, and/or by a common assignee, or that claim an invention resulting from activities undertaken within the scope of a joint research agreement as defined in 35 U.S.C. 103(c)(2) and (3), that would raise an issue of double patenting if one of the applications became a patent.” Applicants respectfully assert that Basir was not filed by the same inventive entity as the current application, does not have an inventor in common with the current application, is not assigned to a common assignee, and did not result from activities undertaken within the scope of a joint research agreement. Therefore, Applicants respectfully assert that the double patenting rejection with regards to Basir is improper and should be withdrawn.

Even if, for the sake of argument, Basir is an appropriate secondary reference for a double patenting rejection, by using Basir in combination with the ‘995 application to assert the double patenting rejection, the Office Action appears to be asserting that the claims of the ‘995 application are somehow deficient in making obvious the claims of the current application and has to rely on Basir to remedy allegedly those deficiencies. Thus, Applicants respectfully assert that the claims of the current application are patentably distinct from the current claims of the ‘995 application.

CONCLUSION

For at least these reasons, Applicants assert that the pending claims 1-20 are in condition for allowance. Applicants further assert that this response addresses each and every point of the final Office Action, and respectfully request that the Examiner pass this application with claims 1-20 to allowance. Should the Examiner have any questions, please contact Applicants' attorney at 404.815.1900.

Respectfully submitted,

HOPE BALDAUFF HARTMAN, LLC

Date: April 28, 2008

/Jodi L. Hartman/
Jodi L. Hartman
Reg. No. 55,251

Hope Baldauff Hartman, LLC
1720 Peachtree Street, N.W.
Suite 1010
Atlanta, Georgia 30309
Telephone: 404.815.1900

